

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN W. FINK,

Plaintiff,

-against-

J. PHILIP KIRCHNER;  
FLASTER/GREENBERG P.C.,

Defendants.

1:20-CV-5128 (CM)

TRANSFER ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, who appears *pro se*, brings this action seeking relief under Rule 60(b) of the Federal Rules of Civil Procedure with regard to judicial decisions issued in actions he filed in the United States District Court for the District of New Jersey. “Rule 60(b), however, allows a district court to vacate only *its own orders and judgments*.” *Robles v. Lempke*, No. 09-CV-2636, 2018 WL 1320657, at \*4 (E.D.N.Y. Mar. 14, 2018) (emphasis added), *appeal dismissed*, No. 18-1398, 2018 WL 5848859 (2d Cir. Aug. 23, 2018); *see Frommert v. Becker*, No. 00-CV-6311, 2016 WL 9582833, at \*4 (W.D.N.Y. July 28, 2016) (“Rule 60(b) essentially allows a court to vacate its own judgment.”) Thus, the proper venue for this action lies in the District of New Jersey, not in this Court. Accordingly, the Court transfers this action to the United States District Court for the District of New Jersey. *See* 28 U.S.C. § 1406(a).

**CONCLUSION**

Plaintiff has consented to electronic service of Court documents. (ECF 2.) The Court directs the Clerk of Court to transfer this action to the United States District Court for the District of New Jersey. Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this Court. This order closes this action.

The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 8, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge